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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,402	01/31/2001	Dan Vasilovski	000213	4234

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QUALCOMM INCORPORATED  
5775 MOREHOUSE DR.  
SAN DIEGO, CA 92121

EXAMINER

PAN, YUWEN

ART UNIT PAPER NUMBER

2618

DATE MAILED: 10/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/773,402

Applicant(s)

VASSILOVSKI ET AL.

Examiner

Yuwen Pan

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Arguments***

1. Applicant's arguments filed 9/20/06 have been fully considered but they are not persuasive. The applicant argues that newly added limitation overcomes previous rejection, however the examiner respectfully disagrees. The applicant emphasizes that prior art of record, Lim reference fails to teach or suggest the element regarding "determining if said second wireless communication device is operating within said wireless communication system by using the identification code." First of all, utilizing identification code to determine whether the corresponding mobile terminal is within the wireless communication system is well known in the art. Second the Lim reference explicitly teaches that his invention is for the wireless data communication in PCS. So as long as the mobile terminals (mobile-to-mobile) is within the PCS, it is able to apply the method of allows a direction communication without an IWU (modems) (see column 3 and lines 2-12). Thus, it would have been obvious to one ordinary skill in the art to determine whether two mobile-to-mobile terminals are with in the same wireless communication (for Lim's reference would be in the PCS telecommunication system), before allows a direct communication without occupying an IWU. Furthermore, applicant admits that it is well known in the art that a set of asynchronous data would pass through the banks of modems when the data are sent from one mobile terminal to the other regardless whether both terminals are within the same wireless communication system or not. Therefore, it is obvious that Lim reference has to determine or satisfy the situation or condition where both mobile terminals are in the same wireless communication by checking the identification code in the MSC (mobile switch center).

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lim (US006349224B1).

Per claims 1, Lim discloses an apparatus and method for providing fast mobile connectivity during a data communication (see column 3 and lines 7-40), comprising:

Receiving an initial communication from a first wireless communication device operating in a wireless communication system (see figure 5);

Determining if an initial communication from a first wireless communication device operating in a wireless communication system comprises a request to initiate a data communication (See column 4 and lines 30-46);

Determining an identification code associated with a second wireless communication device, said identification code determined from said initial communication (see column 4 and line 46-49);

Determining if said second wireless communication device is operating within said wireless communication system (see column 4 and lines 50-66); and

Routing said data communication to said second wireless communication device without the use of an IWU that is a bank of modems if said initial communication comprises a request to initiate said data communication and said second wireless communication device is operating within said wireless communication system (see column 4 and lines 66-column 5 and line 14), otherwise routing said asynchronous data communication to said second wireless communication device using a modem (see column 2 and lines 31-41).

It is inherent that the whole process needs a processor and storage device to execute information.

Lim doesn't expressly teach that the identification code is utilized for determining whether the second mobile terminal is within the wireless system. Lim reference does teach that the MSC receives the receiver's ID and then forward a signal for calling the receiver (the terminating mobile terminal) (see column 4 and lines 50-66). Thus, it would have been obvious to one ordinary skill in the art to determine or check whether the terminating mobile terminal ID is within the ID database of the wireless system such that corresponding data information would be quickly passing to the corresponding base station where the terminating mobile terminal is registered.

Same arguments apply, *mutatis mutandis*, to independent claims 4, 6, 8 and 14.

Per claim 2, it is inherent that every conventional wireless communication system comprising: a database including HLR and VLR, MSC or BSC. And the function of database is to keep tracking the terminal users within the system either visitor or home and inform either the MSC or the BSC whether to do switch locally or to other parties.

Same arguments apply, *mutatis mutandis*, to dependent claims 3, 5, 7 and 9.

Per claim 10, Lim further teaches that both wireless communications are within the same base station controller (mobile switch center) (see column 4 and lines 35-52).

Same arguments apply, *mutatis mutandis*, to claims 11-13 and 15.

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yuwen Pan whose telephone number is 571-272-7855. The examiner can normally be reached on 8-5 M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anderson D. Matthew can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Yuwen Pan  
October 24, 2006



**Matthew D. Anderson**  
Supervisory Patent Examiner